

Exhibit 4

IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Abatement | <input type="checkbox"/> Earnings Withholding | <input type="checkbox"/> Judgment-Interest | <input type="checkbox"/> Return of Property |
| <input type="checkbox"/> Administrative Action | <input type="checkbox"/> Enrollment | <input type="checkbox"/> Judgment-Summary | <input type="checkbox"/> Sale of Property |
| <input type="checkbox"/> Appointment of Receiver | <input type="checkbox"/> Expungement | <input type="checkbox"/> Liability | <input type="checkbox"/> Specific Performance |
| <input type="checkbox"/> Arbitration | <input type="checkbox"/> Findings of Fact | <input type="checkbox"/> Oral Examination | <input type="checkbox"/> Writ-Error Coram Nobis |
| <input type="checkbox"/> Asset Determination | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Order | <input type="checkbox"/> Writ-Execution |
| <input type="checkbox"/> Attachment b/f Judgment | <input checked="" type="checkbox"/> Injunction | <input type="checkbox"/> Ownership of Property | <input type="checkbox"/> Writ-Garnish Property |
| <input type="checkbox"/> Cease & Desist Order | <input type="checkbox"/> Judgment-Affidavit | <input type="checkbox"/> Partition of Property | <input type="checkbox"/> Writ-Garnish Wages |
| <input type="checkbox"/> Condemn Bldg | <input type="checkbox"/> Judgment-Attorney Fees | <input type="checkbox"/> Peace Order | <input type="checkbox"/> Writ-Habeas Corpus |
| <input type="checkbox"/> Contempt | <input type="checkbox"/> Judgment-Confessed | <input type="checkbox"/> Possession | <input type="checkbox"/> Writ-Mandamus |
| <input type="checkbox"/> Court Costs/Fees | <input type="checkbox"/> Judgment-Consent | <input type="checkbox"/> Production of Records | <input type="checkbox"/> Writ-Possession |
| <input type="checkbox"/> Damages-Compensatory | <input type="checkbox"/> Judgment-Declaratory | <input type="checkbox"/> Quarantine/Isolation Order | |
| <input type="checkbox"/> Damages-Punitive | <input type="checkbox"/> Judgment-Default | <input type="checkbox"/> Reinstatement of Employment | |

If you indicated **Liability** above, mark one of the following. This information is not an admission and may not be used for any purpose other than Track Assignment.

☐ Liability is conceded. ☐ Liability is not conceded, but is not seriously in dispute. ☒ Liability is seriously in dispute.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)

☐ Under \$10,000 ☐ \$10,000 - \$30,000 ☐ \$30,000 - \$100,000 ☒ Over \$100,000

☐ Medical Bills \$ _____ ☐ Wage Loss \$ _____ ☐ Property Damages \$ _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation ☒ Yes ☐ No C. Settlement Conference ☒ Yes ☐ No
B. Arbitration ☐ Yes ☒ No D. Neutral Evaluation ☐ Yes ☒ No

SPECIAL REQUIREMENTS

- ☐ If a Spoken Language Interpreter is needed, **check here and attach form CC-DC-041**
- ☐ If you require an accommodation for a disability under the Americans with Disabilities Act, **check here and attach form CC-DC-049**

ESTIMATED LENGTH OF TRIAL

*With the exception of Baltimore County and Baltimore City, please fill in the estimated **LENGTH OF TRIAL**.*

(Case will be tracked accordingly)

- | | |
|---|---|
| <input type="checkbox"/> 1/2 day of trial or less | <input type="checkbox"/> 3 days of trial time |
| <input type="checkbox"/> 1 day of trial time | <input type="checkbox"/> More than 3 days of trial time |
| <input type="checkbox"/> 2 days of trial time | |

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-308 is requested, attach a duplicate copy of complaint and check one of the tracks below.

- ☐ **Expedited**- Trial within 7 months of Defendant's response ☐ **Standard** - Trial within 18 months of Defendant's response

EMERGENCY RELIEF REQUESTED

**COMPLEX SCIENCE AND/OR TECHNOLOGICAL CASE
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under
Md. Rule 16-302, attach a duplicate copy of complaint and check whether assignment to an ASTAR is requested.*

- ☐ **Expedited** - Trial within 7 months of Defendant's response ☐ **Standard** - Trial within 18 months of Defendant's response

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, OR BALTIMORE COUNTY,
PLEASE FILL OUT THE APPROPRIATE BOX BELOW.**

CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)

- ☐ Expedited Trial 60 to 120 days from notice. Non-jury matters.
☐ Civil-Short Trial 210 days from first answer.
☒ Civil-Standard Trial 360 days from first answer.
☐ Custom Scheduling order entered by individual judge.
☐ Asbestos Special scheduling order.
☐ Lead Paint Fill in: Birth Date of youngest plaintiff _____ .
☐ Tax Sale Foreclosures Special scheduling order.
☐ Mortgage Foreclosures No scheduling order.

CIRCUIT COURT FOR BALTIMORE COUNTY

- ☐ Expedited
(Trial Date-90 days) Attachment Before Judgment, Declaratory Judgment (Simple),
Administrative Appeals, District Court Appeals and Jury Trial Prayers,
Guardianship, Injunction, Mandamus.
- ☒ Standard
(Trial Date-240 days) Condemnation, Confessed Judgments (Vacated), Contract, Employment
Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort,
Other Personal Injury, Workers' Compensation Cases.
- ☐ Extended Standard
(Trial Date-345 days) Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or
Personal Injury Cases (medical expenses and wage loss of \$100,000, expert
and out-of-state witnesses (parties), and trial of five or more days), State
Insolvency.
- ☐ Complex
(Trial Date-450 days) Class Actions, Designated Toxic Tort, Major Construction Contracts, Major
Product Liabilities, Other Complex Cases.

10/19/17

Date

6404 Ivy Lane, Suite 400

Address

Greenvelt

City

MD

State

20770

Zip Code

Timothy F. Maloney, Jr.
Signature of Counsel / Party

Timothy F. Maloney

Printed Name

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

ROBERT A. ZIRKIN
4 Old Manor Court
Reisterstown, Maryland 21136

Plaintiff,

Case No.: _____

v.

SHANDY MEDIA, INC.
Resident Agent: Raymond Attipa
2046 Hillhurst Avenue, #54
Los Angeles, California 90027

and

CHARM CITY SPORTS NETWORK
Resident Agent: Phil Gentile
2318 Rockwell Avenue
Catonsville, Maryland 21228

and

JOHN WILKES
9721 Wyndham Drive
Frederick, Maryland 21704

and

DILLON ATKINSON
1211 Sedge Court
Pasadena, Maryland 21122

and

PHIL GENTILE
2318 Rockwell Avenue
Catonsville, Maryland 21228

and

ANGELA STRUCK
6070 W. Studio Court
Los Angeles, California 90038

and

LEVON DEMIRJIAN
6221 Mammoth Avenue
Van Nuys, California 91401

and

RAYMOND ATTIPA
2224 Winona Boulevard
Los Angeles, California 90027

and

DIANA MADISON
27643 Hermes Lane
Canyon Country, California 91351

and

SQUARESPACE, INC.
Resident Agent: Anthony R. Casalena
5 Chesterfield Court
Monkton, Maryland 21111

and

OBSEV STUDIOS
Resident Agent: Raymond Attipa
2046 Hillhurst Avenue, #54
Los Angeles, California 90027

Defendants.

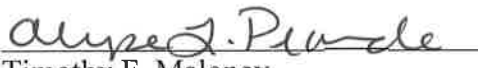
LINE

CLERK:

Please issue a summons in this matter for the above-named Defendants and return to Plaintiff's counsel for service by private process.

Respectfully submitted,

JOSEPH, GREENWALD & LAAKE, P.A.

By: 
Timothy F. Maloney
Alyse L. Prawde
6404 Ivy Lane, Suite 400
Greenbelt, Maryland 20770
(301) 220-2200
tmaloney@jgllaw.com
aprawde@jgllaw.com
Counsel for Plaintiff

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

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Reisterstown, Maryland 21136

Plaintiff,

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and

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2046 Hillhurst Avenue, #54
Los Angeles, California 90027

Defendants.

LINE ENTERING APPEARANCE

CLERK:

Please enter the appearance of Timothy F. Maloney, Esquire, Alyse L. Prawde, Esquire, and the law firm of Joseph, Greenwald, Laake, P.A., as counsel for the Plaintiff in this matter.

Respectfully submitted,

JOSEPH, GREENWALD & LAAKE, P.A.

By: 
Timothy F. Maloney
Alyse L. Prawde
6404 Ivy Lane, Suite 400
Greenbelt, Maryland 20770
(301) 220-2200
tmaloney@jgllaw.com
aprawde@jgllaw.com
Counsel for Plaintiff

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

ROBERT A. ZIRKIN
4 Old Manor Court
Reisterstown, Maryland 21136

Plaintiff,

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Resident Agent: Raymond Attipa
2046 Hillhurst Avenue, #54
Los Angeles, California 90027

Defendants.

COMPLAINT AND JURY DEMAND

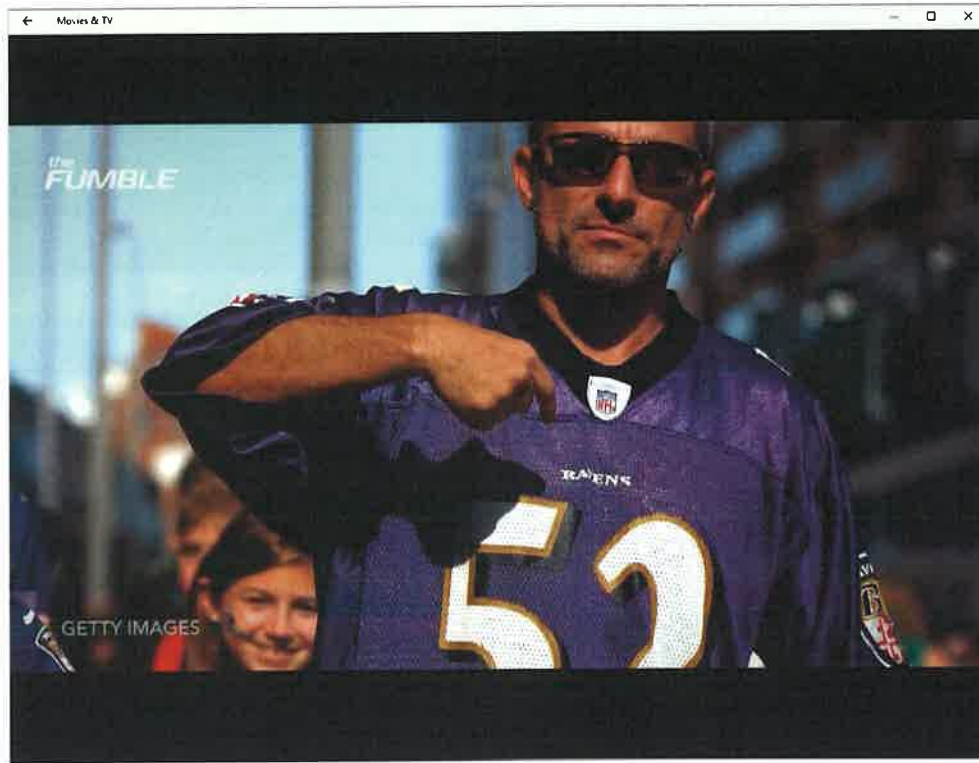
COMES NOW, the Plaintiff, Robert A. Zirkin, by and through counsel, and sues the Defendants Shandy Media, Inc., Raymond Attipa, Diana Madison, Charm City Sports Network, John Wilkes, Dillon Atkinson, Phil Gentile, Angela Struck, Levon Demirjian, Obsev Studios, and Squarespace, Inc., and for cause state as follows:

INTRODUCTION

In the 24 hours prior to the filing of this suit, Defendants have caused to publish and republish thousands of times a video image which falsely portrays the Plaintiff as seeking prostitutes on Craigslist during Sunday's Baltimore Ravens vs. Chicago Bears NFL football game at M&T Bank Stadium. None of this happened. Yet Defendants have published, and continue to republish, these false and defamatory images around the world.

Plaintiff is a husband, father of two young daughters, respected attorney, and member of the Maryland State Senate, where he chairs the Judicial Proceedings Committee.

On October 17, 2017, Defendants caused to publish on the Internet a video entitled "Ravens Fan Gets Caught Looking for Prostitutes on Craigslist During Game." Defendants portrayed the following stock photograph of the Plaintiff, obtained from stock photograph company Getty Images, as a photograph of the Ravens fan caught looking for prostitutes:



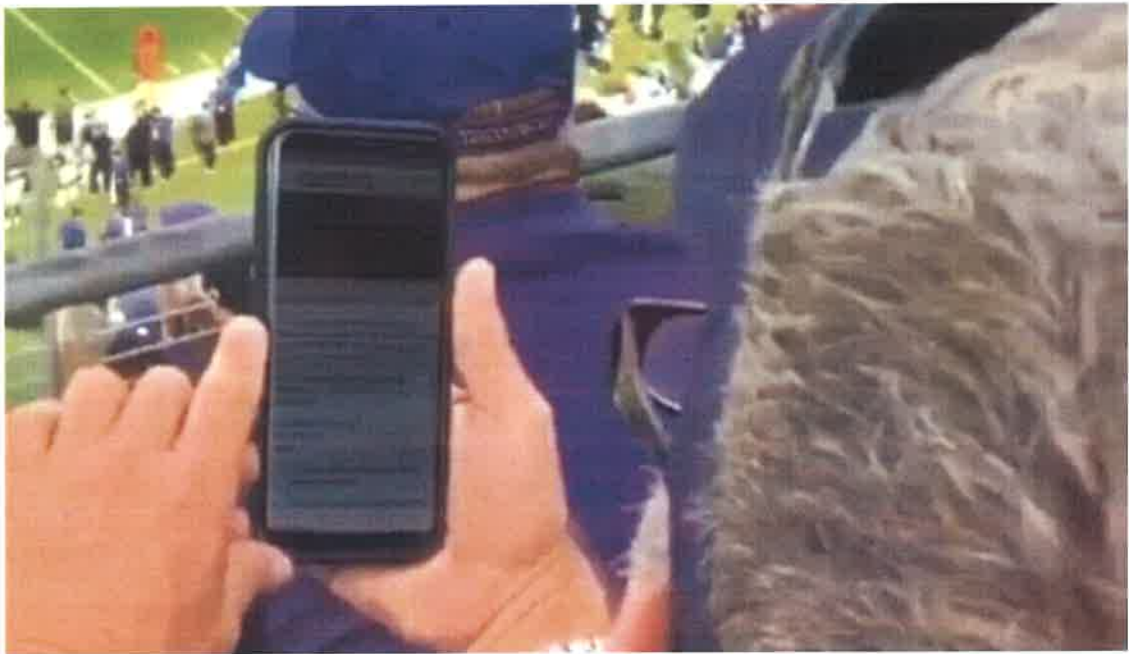
This photograph is of Mr. Zirkin with his 8-year-old daughter in the background. It was taken at a Ravens game in London, England on September 24, 2017. This photograph has no relationship to any fan who was on Craigslist supposedly seeking a prostitute at the Ravens game in Baltimore on October 15, 2017. The photograph was obtained from Getty Image by Defendants Shandy Media, Inc., Obsev Studios, and/or their affiliate The Fumble, and was used to falsely portray Mr. Zirkin as the Ravens fan looking for prostitutes.

While displaying this photograph of Mr. Zirkin, the announcer on the video, Defendant Angela Struck, stated, “Well, this man needs to be a bit more DL.”¹ He’s holding up the photo for all the world to see...” By showing the photograph of Mr. Zirkin while stating this, Defendants Struck, Shandy Media, Raymond Attipa, and Diana Madison were unquestionably asserting that Mr. Zirkin was the Ravens fan looking for prostitutes on Craigslist.

¹ Slang for “down low.”

Angela Struck also offensively targeted Mr. Zirkin's wife and daughters, stating in the video, "Yikes. Ugh. I feel bad for this guy's wife and kids." The photograph used of Mr. Zirkin showed his 8-year-old daughter standing behind him, and this image is now associated with allegations of a fan searching for prostitutes on Craigslist. The inclusion of this photograph, along with mention of Mr. Zirkin's wife and children, has caused his family serious distress and embarrassment.

The Shandy Media video, republished by Defendants John Wilkes, Dillon Atkinson, and Phil Gentile on their website Charm City Sports Network—a Baltimore-based website focused on news about the Ravens and Orioles—features the below screenshot of the man videotaped on his phone at the Ravens game looking for prostitutes:



The individual pictured here is not Mr. Zirkin. Mr. Zirkin has no connection to this man and the identity of this man is unknown to him. In the video, Defendants falsely created the image that this individual and Mr. Zirkin are one and the same, which any reasonable viewer would conclude.

Mr. Zirkin and/or a representative from his office contacted both Shandy Media, through its employee Defendant Levon Demirjian, and Defendant Phil Gentile to request that the false videos be removed. In agreeing to remove the video, Demirjian admitted that Obsev Studios used a stock photograph of Mr. Zirkin and that it knew he was not the man featured in the Ravens video. The video still remains on some Obsev Studios related websites, such as the Facebook page for The Fumble. When a representative from Mr. Zarkin's office contacted Charm City Sports Network through Facebook to notify them of the false information, someone from the company wrote back that his contact information is "fuck@you.com." Mr. Zirkin contacted one of the co-founders, Phil Gentile, to discuss the false information but Mr. Gentile hung up on him and took no action to remove the video despite notice of its falsity.

The video featuring the false portrayal of Mr. Zirkin has been shared thousands of times and has been—and continues to be—republished on heavily trafficked websites. As a result, Mr. Zirkin has already faced harm to his character and reputation and stature in the community. He has been receiving constant phone calls asking about the video. As an attorney, such false, defamatory articles and videos are likely to cause harm to his professional career in the future. Not only will such videos damage his professional life, but the video has harmed his personal life, and caused deep embarrassment to him and his family. The video has caused him mental anguish, personal humiliation, and distress, particularly over the use of a stock photograph that included his minor daughter.

VENUE AND JURISDICTION

1. Pursuant to Md. Code, § 6-201 of the Courts and Judicial Proceeding Article ("C.J.P."), venue in this Court is proper.

2. This Court has personal jurisdiction over the Defendants pursuant to C.J.P. §§ 6-102 and 6-103.

PARTIES

3. Plaintiff Robert A. Zirkin is an adult citizen of the State of Maryland.

4. Defendant Shandy Media, Inc. is a company incorporated in and with its principal place of business in the State of California. Shandy Media, Inc. is the owner of Obsev, a digital magazine, and The Fumble, a sports news website.

5. Defendant Obsev Studios is a company incorporated in and with its principal place of business in the State of California. Obsev Studios is a digital magazine featuring original videos and articles.

6. Defendant Charm City Sports Network has its principal place of business in the State of Maryland. Charm City Sports Network is a Baltimore-based website that primarily publishes articles concerning the Ravens and Orioles.

7. Defendant John Wilkes is an adult citizen of the State of Maryland. Wilkes is the co-founder of Charm City Sports Network.

8. Defendant Dillon Atkins is an adult citizen of the State of Maryland. Atkins is the co-founder of Charm City Sports Network.

9. Defendant Phil Gentile is an adult citizen of the State of Maryland. Gentile is the co-founder of Charm City Sports Network.

10. Defendant Angela Struck is an adult citizen of the State of California. Struck is a host and writer for The Fumble.

11. Defendant Raymond Attipa is an adult citizen of the State of California. He is the CEO and Co-Founder of Shandy Media.

12. Defendant Diana Madison is an adult citizen of the State of California. She is the Co-Founder and Managing Partner of Shandy Media.

13. Defendant Levon Demirjian is an adult citizen of the State of California. He is an employee of Obsev Studios, an affiliate of Shandy Media.

14. Defendant Squarespace, Inc. has its principal place of business in New York. Squarespace, Inc. hosts Defendant Charm City Sports Network's website.

FACTS COMMON TO ALL COUNTS

15. Mr. Zirkin is a devoted husband and a father. He has been married to his wife for 11 years. They have two daughters, ages 10 and 8.

16. He has been a member of the Maryland Bar since 2000 and is a respected attorney. He is a founding partner of the law firm Zirkin and Schmerling Law, which has offices in Pikesville and downtown Baltimore.

17. Mr. Zirkin serves in the Maryland General Assembly as a state Senator. He has represented District 11 in Baltimore County since 2007.

18. Mr. Zirkin is a highly respected member of the General Assembly. He presently serves as the Chair of the Judicial Proceedings Committee and is a member of the Executive Nominations Committee, Special Committee on Substance Abuse, and Legislative Policy Committee.

19. Prior to serving as state Senator, Mr. Zirkin served as a member of the House of Delegates, representing District 11 from 1999 to 2007.

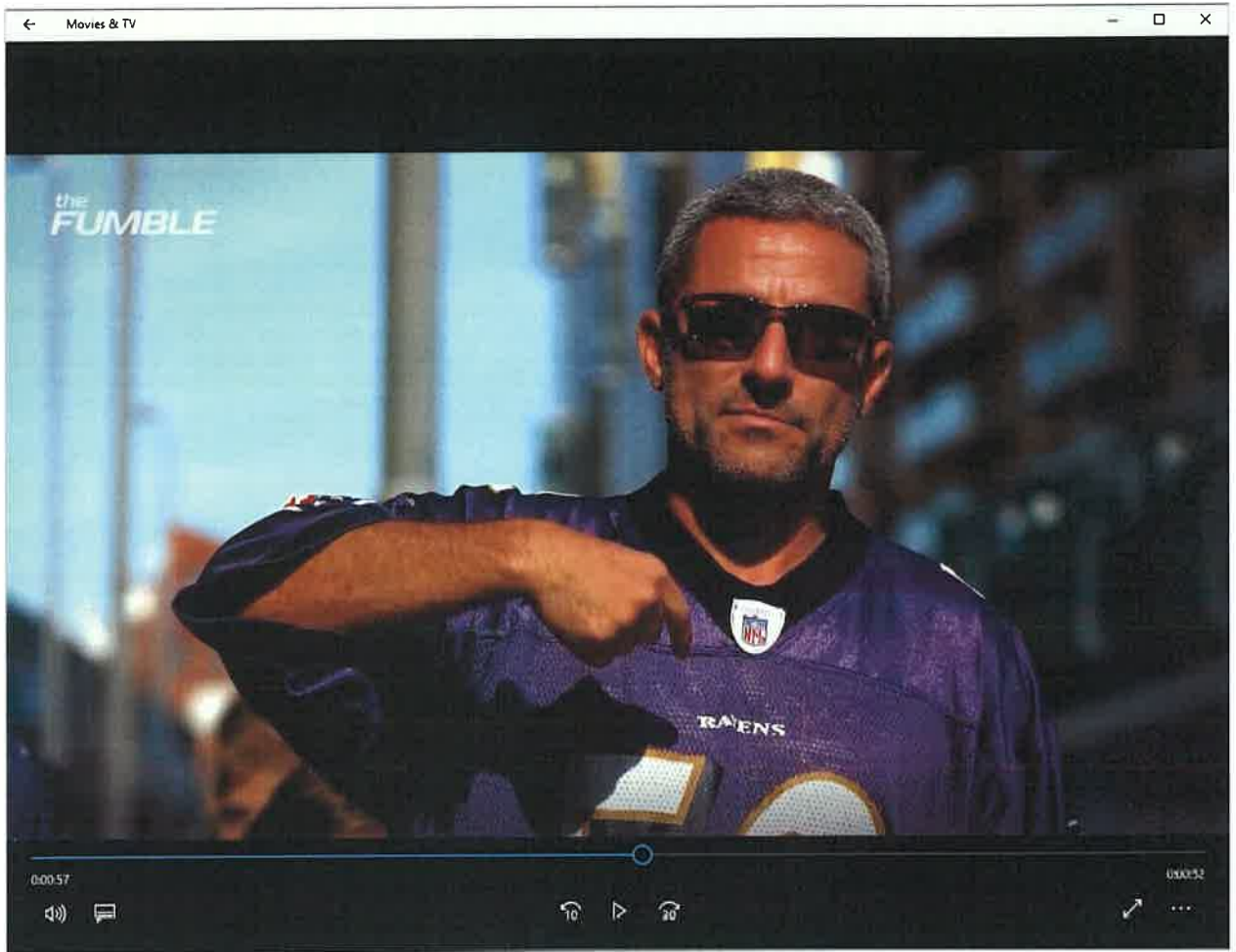
20. On October 17, 2017, The Fumble, a sports news website owned and operated by Shandy Media, published a video entitled, "Ravens Fan CAUGHT Shopping for Prostitutes on Craigslist."

21. The video, which is one minute, 49 seconds in length, features a host of The Fumble, Defendant Angela Struck, discussing a video that was captured of a man supposedly looking for prostitutes on Craigslist at the Ravens vs. Bears game on October 15, 2017 at M&T Bank Stadium in Baltimore. A digital copy of the video is attached to this Complaint as Exhibit #1 and its contents are incorporated herein.

22. Struck briefly discusses the outcome of the game before turning to the more salacious purpose of the video:

Sunday was not a great day for Baltimore. Joe Flacco had some trouble and lost to the Bears. Dropping the Ravens to 3 and 3 this season. The game was a close one, ending 27-24, but apparently it wasn't enough to hold every fan's attention. Most importantly this grey haired Ravens fan who was caught creeping on Craigslist for Prostitutes during the game. What's the weirdest thing you've actually glanced on someone's iPhone. Let me know your craziest in the comments below.

23. Around the 00:55 second mark, the video slowly pans up for several seconds on the following image of Mr. Zirkin:



24. Not only does the video show Mr. Zirkin but pictured behind him in the photograph is his 8-year-old daughter.

25. This is a stock photograph of Mr. Zirkin obtained from Getty Images, a stock photograph company. A stamp in the lower left corner of the photograph states "GETTY IMAGES."

26. The photograph was taken of Mr. Zirkin and his daughter when they were in London at the Ravens vs. Jaguars game on September 24, 2017.

27. At the exact same time the video is showing the photograph of Mr. Zirkin, the video's host, Defendant Struck, continues:

Well this man needs to be a bit more DL. He's holding up the phone for all the world to see and unfortunately for him the person sitting behind him is active on social media. Check out the video he recorded and posted online with the caption 'Craigslis's new target demographic is old, white Ravens fans.'

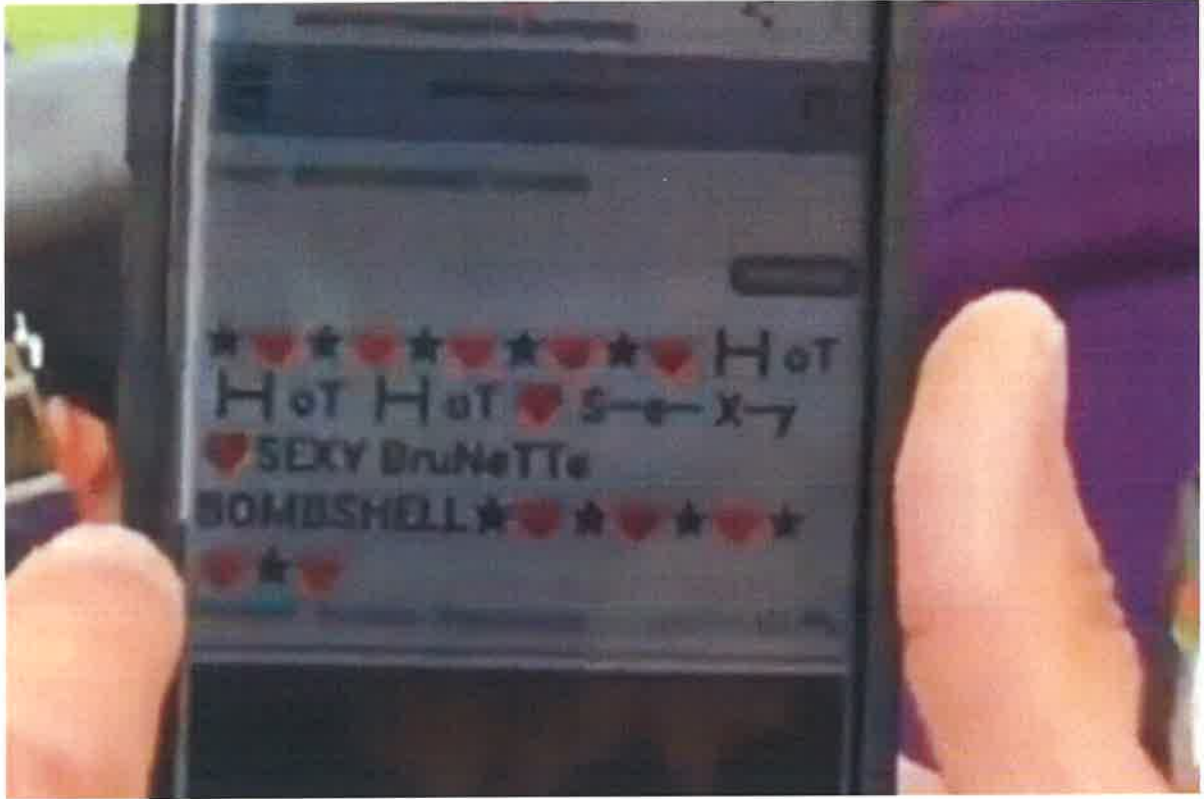
28. In displaying this stock photograph of Mr. Zirkin while narrating that "this man" was the one "holding up the phone" while searching for prostitutes, Defendants Struck and Shandy Media are falsely portraying Mr. Zirkin as the man caught looking online for prostitutes at the game.

29. The Shandy Media video then plays the video taken at the October 15, 2017 Ravens game of an individual seated in front of him in the stands scrolling on his phone. Only the back of the man's head, his hands, and some of his glasses frames can be seen in the video. The video spends several seconds zooming in on the man's phone.

30. In the Shandy Media video, Defendant Struck continues to announce:

It's a little hard to see but if you zoom in on the video you can see 'Hot Hot Hot Sexy Brunette Bombshell and Sexy Pics.' Yikes. Ugh. I feel bad for this guy's wife and kids. What's the raunchiest thing you've ever seen go down at a sporting event. Let me know your best in the comments below.

31. The zoomed in image of the phone shown during this part of the Shandy Media video is below:



32. Defendant Struck or another employee or agent of Defendants Shandy Media or Obsev Studios pulled the stock photograph of Mr. Zirkin from Getty Images as an illustration of a male Ravens fan.

33. Defendant Levon Demirjian, an employee of Obsev Studios, admitted that the photo of Mr. Zirkin used in the video was a stock photograph. In an email sent by Defendant Demirjian at 7:05 p.m. on October 18, Demirjian acknowledged that the man in the stock photograph—Mr. Zirkin—was not the same man in the footage from the Ravens game. The email, attached hereto and incorporated as **Exhibit 2**, provides:

Dear Mr. Zirkin

We never stated the stock photo was the person in the video. We show the video and it clearly shows a different person searching for prostitutes on his phone, which is what the story is about. Second, the video was first removed from Youtube. As far as the web it takes a bit of time for it to be removed but it has been taken down.

The photo we used was a stock photo and we had no obligation to remove it, but still went ahead and removed it as a favor to you, a serving State Senator.

Best Regards,
Leo Demirjian

34. Defendants knew that the man in the stock photograph was not the same man in the footage from the Ravens game, yet they still published a video portraying Mr. Zirkin and the man in the original video as one and the same.

35. Mr. Zirkin was not the man shown in the video supposedly searching for prostitutes on Craigslist nor does he have any association with the underlying video. Mr. Zirkin does not know the identity of the man at the Ravens game.

36. Charm City Sports Network is a website describing itself as a “one-stop shop” for the Baltimore sports fan. The website posts articles about Baltimore’s major league sports teams, the Orioles and the Ravens. The website was co-founded by Defendants John Wilkes, Phil Gentile, and Dillon Atkins.

37. On October 17, 2017, Charm City Sports Network published the video to its website titled, “Video: Ravens Fan Gets Caught Looking for Prostitutes on Craigslist During Game.” The video was the identical video published by Shandy Media.

38. That same day, at 6:53 a.m., Charm City Sports Network posted a link to the video on its Twitter account, which has over 2,800 followers.



39. In just the two days since it has been posted, the video has already amassed thousands of views.

40. The video has already been published on numerous other websites, including BroBible.com, Dailysnark.com, Windstream.net, TotalProSports.com, and BustedCoverage.com.

41. Shandy Media published the video on websites it owns, including Obsev.com. The Fumble posted the video on its Facebook page, which has over 453,000 followers, on October 17 at 4:00 p.m. At the time of the filing of this Complaint, the full video—which included the stock photograph of Mr. Zirkin—remained on The Fumble’s Facebook page.

42. Mr. Zirkin has already received an overwhelming number of text message, phone calls, and emails from people who have seen the video.

43. Mr. Zirkin first learned of the video, and of Defendants’ publication of the video, when he received a text message from his law partner on October 18 with a link to the video on Charm City Sports Network.

44. After learning of the existence of this video, a representative from Mr. Zirkin's office contacted Charm City Sports Network through Facebook to notify them of the false information. Someone from the company wrote back that his contact information is "fuck@you.com." Mr. Zirkin contacted one of the co-founders, Phil Gentile, to discuss the false information but Mr. Gentile hung up on him and took no action to remove the video despite notice of its falsity. The link to the video remains on Charm City Sports Networks' Twitter page.

45. Mr. Zirkin's representatives also contacted Shandy Media to alert them to the false and defamatory statements that had been published on its site.

46. Defendant Demirjian sent an email to Mr. Zirkin on October 18 at 5:34 PM stating that the video had been taken down. However, the video still remained on multiple media outlets owned and operated by Shandy Media and on other media outlets.

47. The portrayal of Mr. Zirkin as the man who was looking for prostitutes on his phone at the game was false. Mr. Zirkin and that man are not one and the same nor does Mr. Zirkin even know the identity of the man featured on his phone in the video.

48. This portrayal of Mr. Zirkin was malicious and was made with the intent to harm Mr. Zirkin. Defendants knew these statements were false and/or it acted with reckless disregard for the truth.

49. At the time the video was made and published, Defendants had actual knowledge that the statements were false and/or the statements were made with reckless disregard for the truth.

50. Defendant's false and defamatory statements caused Mr. Zirkin harm. Defendants Wilkes, Atkinson, and Gentile published the video on their website, which is geared towards Baltimore sports fan, and upon information and belief, is read by Mr. Zirkin's constituents.

These false and defamatory statements have damaged Mr. Zirkin's reputation and character and have caused him mental anguish and personal humiliation.

Count I
Defamation

51. Plaintiff hereby adopts and incorporates by reference the allegations contained in all of the paragraphs of this Complaint as though set forth fully herein.

52. The above-referenced portrayal of Mr. Zirkin as the individual searching for prostitutes on Craigslist was defamatory and intended and tended to injure Mr. Zirkin in his reputation, character, and profession and cause him mental anguish. These statements cast aspersions against Mr. Zirkin and impugned Mr. Zirkin as a criminal and adulterer.

53. The portrayal of Mr. Zirkin in the video was false. He was not the man at the Ravens game looking for prostitutes on his phone. Mr. Zirkin does not know the identity of that man nor does he have any association with that man.

54. Defendants knowingly or recklessly made the false and defamatory statements. Defendants made the statements with actual malice.

55. Defendants published this video on their websites and social media pages, and the video was seen by Mr. Zirkin's constituents, friends, family, and members of the general public worldwide. The video was republished, and continues to be republished, through other media sources.

56. The recipients reasonably understood the publications in the defamatory and false light intended by Defendant: that Mr. Zirkin and the man in the video on Craigslist were one and the same.

57. Reasonable recipients of the video would and did understand them to be asserting statements of verifiable fact. The portrayal of Mr. Zirkin was expressly presented as such.

58. Defendants' statements—and their publishing of these statements—constitute defamation *per se* because the injurious character of their portrayal is self-evident. Among other things, Defendants accused Plaintiff of criminal conduct—seeking to proposition a prostitute—and other conduct tending to injure him in respect to his office and profession.

59. Defendants acted with the knowledge that these statements were false and with the intent to cause harm to Mr. Zirkin and to harm his personal and professional reputation, character, and profession.

60. In the alternative, Defendants made these statements with a reckless disregard for the truth or falsity of these statements and with the intent to cause harm to Mr. Zirkin and to harm his personal and professional reputation, character, and profession.

61. Mr. Zirkin suffered damages as a result of Defendants' tortious conduct. Moreover, the character and reputation of Mr. Zirkin was harmed as a result of the false and defamatory statements published by Defendants. In addition, Mr. Zirkin's standing and reputation in the community was impaired, and he suffered mental anguish and personal humiliation.

WHEREFORE, Plaintiff Robert Zirkin demands judgment against Defendants in an amount to be determined at trial but in excess of Seventy-Five Thousand Dollars (\$75,000), plus interest, costs, attorneys' fees, and punitive damages in an amount to be determined at trial.

Count II
False Light

62. Plaintiff hereby adopts and incorporates by reference the allegations contained in all of the paragraphs of this Complaint as though set forth fully herein.

63. By making the statements referenced above, Defendants improperly publicized and published statements about Mr. Zirkin, which placed him in a false light by attributing him to conduct and characteristics that were false.

64. The portrayal of Mr. Zirkin in the video was false. He was not the man at the Ravens game looking for prostitutes on his phone. Mr. Zirkin does not know the identity of that man nor does he have any association with that man.

65. Defendants knew that the facts that they publicized about Mr. Zirkin were false or they made the assertions with a reckless disregard for the truth or falsity of those facts.

66. The publication of these facts was highly offensive to any reasonable person, as it is highly offensive to be accused of searching for prostitutes on Craigslist.

67. Mr. Zirkin suffered damages as a result of Defendants' tortious conduct. Moreover, the character and reputation of Mr. Zirkin was harmed as a result of the false and defamatory statements published by Defendant. In addition, Mr. Zirkin's standing and reputation in the community was impaired, and he suffered mental anguish and personal humiliation.

WHEREFORE, Plaintiff Robert Zirkin demands judgment against Defendants in an amount to be determined at trial but in excess of Seventy-Five Thousand Dollars (\$75,000), plus interest, costs, attorneys' fees, and punitive damages in an amount to be determined at trial.

COUNT III
Temporary, Preliminary and Permanent Injunctive Relief

68. Plaintiff hereby adopts and incorporates by reference the allegations contained in all of the paragraphs of this Complaint as though set forth fully herein.

69. Mr. Zirkin seeks temporary, preliminary, and final injunctive relief compelling Defendants to remove the video from its websites, from its social media accounts, and to notify all other websites that have subsequently published the video of its falsity.

70. Mr. Zirkin also seeks to compel Defendants to preserve all evidence relating to the video, including the video itself, any and all emails, text messages, other communications, and documents related to the videos. Mr. Zirkin also seeks an order authorizing immediate expedited discovery so that he can obtain evidence concerning production and distribution of this defamatory content before it is destroyed or otherwise lost in the Internet.

71. The benefits to Mr. Zirkin in obtaining injunctive relief are equal to or greater than any possible potential harm that the Defendants might incur should the injunctive relief be granted. Defendants can claim no potential harm from having the video of Mr. Zirkin removed.

72. Mr. Zirkin has, and will continue to suffer irreparable harm and injury unless preliminary and permanent injunction is granted.

73. The public interest is best served by a granting of injunctive relief, as the public can only benefit from removing videos from the internet falsely associating an individual with such an action

WHEREFORE, Plaintiff Robert Zirkin demands that this Honorable Court (i) issue temporary, preliminary, and final injunctive relief compelling Defendant to remove the link to the video from its websites, social media accounts, and to notify all other websites that have subsequently published the video of its falsity; (ii) compel Defendants to preserve all evidence relating to the video; (iii) award Plaintiff such other and further relief as in law and justice he may be entitled to receive; and (iv) grant interest, attorneys' fees, and costs and such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiffs demand a jury trial as to all claims so triable.

Respectfully submitted,

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